

MINUTE ITEM NO. 9  
APPROVED 1/15/76

CALENDAR ITEM

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9.

AUTHORIZATION TO ACCEPT GRANT OF PORTIONS OF LANDS  
IN THE UPPER NEWPORT BAY AREA AND TO LEASE SAID LANDS  
TO THE DEPARTMENT OF FISH AND GAME FOR AN ECOLOGICAL RESERVE  
OR A WILDLIFE REFUGE, OR BOTH

The Upper Newport Bay is one of the last remaining relatively natural estuaries in Southern California which provides habitat for a large number of wildlife and marine species.

In 1919, the State of California conveyed to the County of Orange, in trust, all of the State's right, title and interest in sovereign tide and submerged lands within Newport Bay by Chapter 526, Statutes 1919.

In 1926, a judgment was obtained by the County describing the lands so conveyed to the County by reason of said Chapter 526.

Subsequently, a controversy arose focusing on an agreement between the county and the Irvine Company to exchange certain properties in the Upper Newport Bay area, concerning the uses to which Upper Newport Bay should be put, the type of development, if any, which should take place in said Bay, the extent and nature of public and private title to lands located within and adjacent to said Bay and the proper amount of real property taxes which should be paid by said Irvine Company. Said controversy resulted in six years of litigation.

In April 1975, the Upper Newport Bay Settlement Agreement was made the purpose of which is to preserve for the general public as a permanent wetland habitat portions of Upper Newport Bay and to settle more than ten years of controversy concerning the future use of the area.

Following execution of said agreement, said Chapter 526 was amended by Chapter 415, Statutes 1975. Said Chapter 415, provides that within 90 days of the effective date of said amendment (effective January 1, 1976) the County shall grant to the State of California, acting by and through the State Lands Commission, portions of the Upper Newport Bay area for the establishment, and improvement and conduct of an ecological reserve, or wildlife refuge, or both and other compatible uses by the Department of Fish and Game, provided, however that if at any time the Department of Fish and Game no longer uses said lands for the above stated purposes, said lands shall revert to the County of Orange to be held by said County in trust pursuant to said Chapter 415. Said Chapter 415 also provides that upon acceptance of said grant, the Commission shall lease said lands to the Department of Fish and Game and that the public benefit shall be the sole consideration to be received by the Commission from the Department of Fish and Game for said lease.

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CALENDAR ITEM NO. 9. (CONTD)

A copy of the form of the Deed granting said lands to the State Lands Commission and Certificate of Acceptance by the Commission is on file in the office of said Commission and is incorporated herein by reference.

EXHIBIT:           A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE ACCEPTANCE OF A GRANT OF PORTIONS OF UPPER NEWPORT BAY FROM THE COUNTY OF ORANGE TO THE STATE OF CALIFORNIA, ACTING BY AND THROUGH THE STATE LANDS COMMISSION IN ACCORDANCE WITH CHAPTER 415, STATUTES 1975.
2. AUTHORIZE THE LEASE OF SAID LANDS TO THE DEPARTMENT OF FISH AND GAME IN ACCORDANCE WITH SAID CHAPTER 415.
3. AUTHORIZE THE STAFF AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL ACTION NECESSARY TO IMPLEMENT THE FOREGOING.
4. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21065, 14 CAL. ADM. CODE 15037.